

Condensed Transcript

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MELVIN KENDZIORSKI,

Plaintiff,

vs.

Civil Action File No. 2005-064008-NO

INDIANA PACERS, an assumed
name for PACERS BASKETBALL
CORPORATION, an Indiana
corporation; JERMAINE
O'NEAL, an Indiana
resident; JAMAAL TINSLEY,
an Indiana resident; and
JOHN GREEN, a Michigan
resident, jointly and severally,

Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

vs.

Civil Action File No. 04-CV74932
Hon. Anna Diggs Taylor
Mag. Judge Donald A. Scheer

INDIANA PACERS, an assumed
name, a/k/a PACERS
BASKETBALL CORPORATION, an
Indiana corporation,
JERMAINE O'NEAL and
ANTHONY JOHNSON, Jointly
and Severally,

Defendants.



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Condensed Transcript

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JOHN F. ACKERMAN, JR.,

Plaintiff,

vs.

Case No. 04-062545 NO
Hon. D Langford-Morris

INDIANA PACERS, an assumed
name for PACERS BASKETBALL
CORPORATION, an Indiana
Corporation, RON ARTEST,
STEPHEN JACKSON, JERMAINE
O'NEAL, DAVID HARRISON and
THE PALACE OF AUBURN
HILLS, an assumed name for
PALACE SPORTS &
ENTERTAINMENT, INC.,
Jointly and Severally,

Defendants.

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### VIDEOTAPED DEPOSITION OF

**JERMAINE O'NEAL**

January 25, 2006  
1:47 p.m.

125 South Pennsylvania Street  
Indianapolis, Indiana

Blanche J. Harris, CCR No. B-2290



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">17</p> <p>1 A. Yeah.</p> <p>2 Q. Suit and tie?</p> <p>3 A. Suit.</p> <p>4 Q. Is he a black brother, is he a</p> <p>5 white person?</p> <p>6 A. He's white.</p> <p>7 Q. And about how old?</p> <p>8 A. Between 35 and 40.</p> <p>9 Q. I have to ask you, now, your</p> <p>10 height is probably the same as 2004,</p> <p>11 November. What was your height?</p> <p>12 A. Six foot eleven.</p> <p>13 Q. And your weight?</p> <p>14 A. Two hundred and sixty pounds.</p> <p>15 Q. Is that pretty steady?</p> <p>16 A. Yes.</p> <p>17 Q. What do you do for workouts when</p> <p>18 you're working out to stay in shape?</p> <p>19 A. Weight train, cardio.</p> <p>20 Q. Can you give us any parameters on</p> <p>21 weight pushing that you've accomplished through</p> <p>22 2004?</p> <p>23 MR. AKKASHIAN: Objection to form.</p> <p>24 It's vague.</p> <p>25 You can answer if you understand</p>                                                                                                                                                                                                                                    | <p style="text-align: center;">19</p> <p>1 and a half.</p> <p>2 Q. And the winter, abbreviated?</p> <p>3 A. Maybe 30 minutes.</p> <p>4 Q. Have you ever timed yourself for</p> <p>5 running; how fast you run?</p> <p>6 A. No, I haven't.</p> <p>7 Q. Were you ever in any running</p> <p>8 contests of any type?</p> <p>9 A. No.</p> <p>10 Q. Do you consider yourself fast?</p> <p>11 A. I'm pretty quick for my size.</p> <p>12 Q. Why do you have a security guard,</p> <p>13 personal?</p> <p>14 A. Because I'm one of the elite of</p> <p>15 elites for basketball players in the world.</p> <p>16 And sometimes people don't have your best</p> <p>17 interest in heart, and they try to do things</p> <p>18 to cash themselves (sic) out.</p> <p>19 Q. And is that out of your own</p> <p>20 payroll --</p> <p>21 A. Yes. I pay for it.</p> <p>22 Q. -- out of your own check?</p> <p>23 Did you remember Mr. Artest going</p> <p>24 onto the scoring table and laying there?</p> <p>25 A. Yes, I do.</p>                                                                        |
| <p style="text-align: center;">18</p> <p>1 the question.</p> <p>2 THE WITNESS: It depends. My</p> <p>3 weight training is different in the summertime</p> <p>4 than it would be during the season.</p> <p>5 Q. (By Mr. Charfoos) Give me both.</p> <p>6 A. We don't -- the summertime, we</p> <p>7 train harder, we lift harder. During the</p> <p>8 season, it's impossible because the season's</p> <p>9 too long. It'll wear your body down.</p> <p>10 So maybe bench pressing -- maybe</p> <p>11 150, 160 pounds. Not much at all. Just to</p> <p>12 stay fresh.</p> <p>13 Q. Any other weights that you measure</p> <p>14 when you're doing weights?</p> <p>15 A. I don't understand.</p> <p>16 Q. Maybe a dead lift, curls, overhead?</p> <p>17 A. We do a lot of different stuff,</p> <p>18 you know. We do whatever the weight trainer</p> <p>19 asks us to do. I mean, it's a lot of</p> <p>20 different -- guards lift a little different</p> <p>21 than the bigs. Sometimes they come up with</p> <p>22 different formats.</p> <p>23 Q. And how long is your workout</p> <p>24 normally in the summer?</p> <p>25 A. In the summertime, maybe an hour</p> | <p style="text-align: center;">20</p> <p>1 Q. Did you see the events between him</p> <p>2 and Mr. Wallace?</p> <p>3 A. Yes, I did.</p> <p>4 Q. Did you form any opinions about</p> <p>5 who was right or wrong in that matter?</p> <p>6 A. No. You know, you -- the</p> <p>7 situation at that particular point, it was so</p> <p>8 drawn out, you know. I would personally</p> <p>9 think that if I had to make a decision on</p> <p>10 that particular altercation, I would say that</p> <p>11 Ben Wallace ignited the entire crowd by</p> <p>12 throwing --</p> <p>13 Q. I'm sorry?</p> <p>14 A. Ben Wallace ignited the entire</p> <p>15 crowd by throwing objects at Ron Artest.</p> <p>16 That's if I had to make a decision.</p> <p>17 Q. Did you jump into that at all?</p> <p>18 A. No, I didn't.</p> <p>19 Q. Why not?</p> <p>20 A. Because I was on the bench.</p> <p>21 Q. You're not allowed --</p> <p>22 A. And the rules are if you step foot</p> <p>23 off the bench, you're suspended.</p> <p>24 Q. So even as captain, you did not</p> <p>25 have the right to go?</p> |